

MEMO ENDORSED

**LAW OFFICES OF
STEVEN D. ISSER**

305 Broadway, 7th Floor
New York, New York 10007
(212) 812-5096
sisser@isserlaw.com

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 09/22/2023

September 21, 2023

BY ECF

The Honorable Valerie E. Caproni, U.S.D.J.
United States District Court
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Himatsingka America Inc. v. Nicole Finn*, Case No. 23-cv-3992 (VEC)

Dear Judge Caproni:

This firm represents Defendant Nicole Finn in the above-referenced matter. I write pursuant to Rule 2(C) of the Court's Individual Practices in Civil Cases, to respectfully request an adjournment of the time for Defendant to respond to the Complaint and of the Initial Pretrial Conference ("IPTC"), and a 45-day extension of all deadlines. Plaintiff's counsel consents to this request.

Currently, Defendant's deadline to answer or otherwise respond to the complaint is September 28, 2023. The initial deadline to respond to the Complaint was June 7, 2023, which was previously adjourned to June 30, 2023 and then to August 14, 2023. The IPTC is currently scheduled for November 3, 2023 (originally scheduled for July 14, 2023 and then adjourned to September 15, 2023) and the parties' pre-IPTC submissions are currently due on October 26, 2023 (originally due on July 6, 2023 and then adjourned to September 7, 2023). This is the third request for an adjournment of the IPTC and initial deadlines and fourth request for an extension of the time to respond to the Complaint.

When the Court granted the extensions previously requested by the parties, the Court stated that "[n]o further adjournment or extension requests will be granted absent good cause in light of the lengthy adjournment." (ECF No. 14) "Good cause" exists to grant the requested 45 day extensions. The parties are in settlement discussions, and part of those discussions concerns a forensic examination of Defendant's computers and smart phone, which Defendant voluntarily agreed to (Plaintiff alleges misappropriation of confidential information by Defendant). Due to

Honorable Valerie E. Caproni

September 21, 2023

Page 2 of 2

the amount of data on Defendant's devices, the forensic examination is taking longer than anticipated. The parties have been working diligently and have made significant progress. Relevant documents have been collected by use of search terms, the parties have agreed to which documents are not relevant for review and the relevant documents are being reviewed. Unfortunately, however, it was recently discovered that data collection from a new source may be required, which will take time. Rather than expending additional time and effort on advancing the litigation, and consuming judicial resources, the parties agree that their efforts would be better spent on continuing with their settlement discussions, which requires time for the forensic analysis to be completed.

Thank you for your consideration of this request.

Respectfully submitted,



Steven D. Isser

CC: All Counsel via ECF and email

Application GRANTED. Defendant's deadline to answer or otherwise respond to the complaint is **November 13, 2023**. The initial pretrial conference will be held on **Friday, December 1, 2023, at 10:00 A.M.** in Courtroom 443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007. The parties' pre-conference submissions, as described at Dkt. 5, are due on **November 22, 2023**. No further extensions will be granted absent good cause.

SO ORDERED.



09/22/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE